

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HILARY REMIJAS, MELISSA FRANK,)	
DEBBIE FARNOUSH, and JOANNE KAO,)	1:14-cv-01735
individually and on behalf of all others)	
similarly situated,)	Judge James B. Zagel
)	
Plaintiffs,)	
)	
v.)	
)	
THE NEIMAN MARCUS GROUP, LLC, a)	
Delaware limited liability company,)	
)	
Defendant.		

**DEFENDANT NEIMAN MARCUS GROUP’S MOTION TO DISMISS PLAINTIFFS’
FIRST AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rules of Civil Procedure (“FRCP”) 12(b)(1) and 12(b)(6), defendant The Neiman Marcus Group LLC (“Neiman Marcus”) hereby moves to dismiss with prejudice all claims against it in plaintiffs’ first amended class action complaint (the “FAC”). The grounds for this motion are as follows:

1. Plaintiffs lack Article III standing because their allegations do not establish any present or certainly impending future injury fairly traceable to Neiman Marcus. They do not allege that they personally suffered any actual financial loss from unreimbursed fraudulent charges, and their alternative alleged harms all fail to rise to the level of concrete, particularized injury required by Article III. Plaintiffs likewise do not allege that they will suffer any future injury that is certainly impending. Even assuming that plaintiffs could allege a present or certainly impending future injury, they fail to allege that any such injury is fairly traceable to

Neiman Marcus. Because plaintiffs lack Article III standing, the Court does not have jurisdiction to hear the claims in the FAC, and should dismiss all claims in the FAC pursuant to FRCP 12(b)(1).

2. The FAC fails to state a claim under FRCP 12(b)(6) because it fails to allege that any plaintiff suffered any actual injury, which is a necessary element of each of the causes of action alleged in the FAC. In addition, the FAC fails to allege other necessary elements of the alleged causes of action, and therefore fails to state a claim with respect to any of them.

Further support for these arguments is set forth in the accompanying Defendant Neiman Marcus Group's Memorandum in Support of Motion to Dismiss Plaintiffs' First Amended Class Action Complaint.

Dated: July 2, 2014

Respectfully submitted,

/s/ Daniel Craig

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*Counsel for Defendant The Neiman Marcus
Group LLC*

CERTIFICATE OF SERVICE

I, Daniel Craig, an attorney, hereby certify that on July 2, 2014, I caused the foregoing Defendant Neiman Marcus Group's Motion to Dismiss Plaintiffs' First Amended Complaint to be served on all counsel of record through the Court's ECF system.

By: /s/ Daniel Craig

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